

6075. Adulteration and misbranding of oats. U. S. * * * v. 750 Bags of * * * Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8690. I. S. No. 2004-p. S. No. E-958.)

On December 19, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 750 bags of an article purporting to be oats, consigned by Henry D. McCord & Son, New York, N. Y., remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been offered for shipment, transportation, and export from the State of New York into the Island of Cuba, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Plump and heavy white oats."

Adulteration of the article was alleged in substance in the libel for the reason that barley screenings and no grade white clipped sulphured oats had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that each of the bags containing the article was labeled, "Plump and heavy white oats—160 pounds," whereas the article contained in each of said bags consisted of a mixture of oats, barley screenings, and no grade white clipped sulphured oats.

On February 20, 1918, the said Henry D. McCord & Son, claimant, having filed a claim and stipulation consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be repacked and relabeled either as "Oats and Barley Screenings" or as "Oats, Wild Oats, Barley, Miscellaneous Screenings, Weed Seeds, and Dirt."

CARL VROOMAN, *Acting Secretary of Agriculture.*